Application No.: 09/460,361

## REMARKS

Reconsideration of this application is respectfully requested.

## Rejection under 35 U.S.C. §103(a)

Claims 1, 3, 6-12, 15-19, 21, and 23-31 stand rejected under 35 U.S.C. §103(a) as obvious over Ohigashi (U.S. Patent No. 4,594,283) in view of Mellors et al. (U.S. Patent No. 4,999,237). The Examiner contends that it would have been obvious for one of ordinary skill in the art to select the particular densities of the layers of Ohigashi as taught by Mellors. Ohigashi discloses a laminated material, but does not disclose the apparent densities recited in claim 1. According to the Examiner, Mellors teaches shoe insoles having very low densities of less than 0.1 g/cm³, and preferably about 0.075-0.085 g/cm³. The Examiner further argues that Mellors teaches that "the density of the nonwoven is a result effective variable, and that increasing the density will also increase the compression resistance of a particular material" (Office Action, paragraph 2; see also Mellors, col. 3, lines 31-34). The Examiner concludes that it would have been obvious to vary the density of the material to obtain a desired compression resistance.

Applicant respectfully traverses this rejection and requests reconsideration.

Mellors does not disclose or suggest a nonwoven fabric laminate having a rigid layer with an apparent density of less than 0.15 g/cm³ or a bulky layer having an apparent density of less than 0.08 g/cm³. Mellors discloses a material for cushion insocks and insoles comprised of nonwoven low-density felt (Mellors, col. 1, lines 43-45). The felt is impregnated with a resilient rubbery impregnant (col. 1, lines 46-47). The felt material prior to impregnation has a density of less than 0.1 g/cm³. This, however, is not the density of the impregnated felt which is incorporated into the cushion insole material. Mellors teaches that the density of the impregnated felt is 0.08 to 0.20 g/cm³ (col. 1, lines 50-51). Therefore, even if there was motivation to combine Mellors with Ohigashi (which is not admitted here), it would not result in the presently claimed laminate which requires a bulky layer having a density less than 0.08 g/cm³.

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Mellors also describes two preferred embodiments, Examples 1 and 2 (col. 3, lines 36-37 ("Description Of The Preferred Embodiments") and col. 3, line 41 to col. 4, line 48). In Example 2, an impregnated felt having a final density of 0.15 g/cm<sup>3</sup> is used to prepare a material having a lower compression modulus. This results in an insole having more cushioned comfort, which is suitable for casual or more conventional footwear (col. 4, lines 33-44). For higher performance footwear, such as running shoes, Mellors teaches the use of an impregnated felt having a final density of 0.17 g/cm<sup>3</sup> (col. 4, lines 5-7 and 26-30). Therefore, Mellors' preferred densities for the impregnated felt are significantly higher than 0.08 g/cm<sup>3</sup>. Accordingly, one skilled in the art would not have any motivation based on Mellors to include a bulky layer having an apparent density of less than 0.08 g/cm<sup>3</sup> in the materials disclosed therein.

Ohigashi also does not disclose or suggest a nonwoven fabric laminate having a rigid layer with an apparent density of less than 0.15 g/cm<sup>3</sup> or a bulky layer with an apparent density of less than 0.08 g/cm<sup>3</sup>. Ohigashi discloses a shoe-making laminate having two webs (col. 1, lines 47-57). As exemplified, the first web has apparent densities of 0.2 g/cm<sup>3</sup> (Example 1), 0.35 g/cm<sup>3</sup> (Example 2), and 0.3 g/cm<sup>3</sup> (Example 3). The second layer has an apparent density greater than 0.3 g/cm<sup>3</sup>. As exemplified, the second layer has apparent densities of 0.4 g/cm<sup>3</sup> (Example 1), 0.9 g/cm<sup>3</sup> (Example 2), and 1.0 g/cm<sup>3</sup> (Example 3). Therefore, the apparent densities of the two webs in Ohigashi are significantly greater than the apparent density of the bulky layer of the presently claimed laminate.

Ohigashi stresses the importance of having a second layer having an apparent density greater than 0.3 g/cm³ (col. 2, lines 10-14):

On account of its unique breathable structure, the insole made of the shoemaking material of this invention absorbs sweat through the face layer and retains the absorbed sweat in the core layer, thereby keeping dry the face of the insole, while the shoes are on the feet. The breathable structure and the hydrophobic nature of the constituting material permit the absorbed sweat to transpire while the

shoes are off the feet. It will take about 10 minutes for the insole to dry.

(col. 2, lines 29-37). As apparent from the above description, the advantageous effect on hygiene of the shoemaking material disclosed in Ohigashi is obtained by the combination of the face layer (*i.e.*, low-density web) having an apparent density of <u>lower than 0.4 g/cm<sup>3</sup></u> and the core layer (*i.e.*, high-density web) having an apparent density of <u>higher than 0.3 g/cm<sup>3</sup></u>. Therefore it would not have been obvious to select the densities of the layers of Ohigashi to be less than 0.15 g/cm<sup>3</sup> and less than 0.08 g/cm<sup>3</sup> as presently claimed.

Furthermore, the preferred difference between the densities of the two layers in Ohigashi is greater than 0.3 g/cm<sup>3</sup> (col. 2, lines 10-15; col. 3, lines 4-6). This difference is significantly greater than a difference of 0.14 g/cm<sup>3</sup> or less required by the pending claims.

For the foregoing reasons, one skilled in the art would not have been motivated to prepare a laminate having a rigid layer and a bulky layer where the bulky layer has an apparent density less than 0.08 g/cm<sup>3</sup> and the difference between the apparent densities of the layers is 0.14 g/cm<sup>3</sup> or less. Moreover, the present invention results in a laminate that is both rigid and light (page 4, lines 7-31), results that are not expected based upon the disclosures of Mellors or Ohigashi.

Additionally, neither Ohigashi nor Mellors discloses or suggests an automotive trim panel as recited in claims 10-12, 15-18, and 27.

Accordingly, Ohigashi alone or in view of Mellors fails to render obvious the presently claimed invention, and Applicant respectfully requests withdrawal of this rejection.

## Conclusion

In view of the above remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a

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Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

No fees are believed to be due with this response. However, should the U.S. Patent and Trademark Office determine that any other fee is due or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge the required fee(s) (up to \$2,000.00) and/or credit the refund(s) owed to our Deposit Account No. 04-0100.

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Respectfully submitted,

By\_

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